

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copies of the priority documents, and for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449. Applicants also note that the Examiner has not indicated that the drawings have been approved by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicants' drawings are acceptable in the next Official Action.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 3, 4, 6, and 9-16.

Upon entry of the above amendment, claim 1 will have been amended. Accordingly, claims 1-16 are currently pending. Applicants respectfully request reconsideration of the outstanding objection and rejection and allowance of claims 1-16 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has objected to claim 1 for minor informalities. In response, Applicants have amended claim 1 as suggested by the Examiner. Accordingly, in view of the above noted amendments and remarks, it is believed that the objection to claim 1 has been overcome, and Applicants respectfully request reconsideration and withdrawal of the outstanding objection.

The Examiner has rejected claims 1, 2, 5, 7, and 8 under 35 U.S.C. § 102(a) as being anticipated by SHIMOMURA et al. (U.S. Patent No. 6,480,289). The Examiner takes the position that the SHIMOMURA et al. patent discloses a distance measuring apparatus including measuring units 4 with light sources 42 that are variable “to the extent that there is a cone of illumination that simultaneously varies the direction”. As shown, for example, in figures 3A and 3B, and as described at least in the specification on page 12, lines 13-18 and page 14, line 15 through page 15, line 5, in Applicants’ laser distance measuring apparatus, two projectors 4 are movable so that the axes of projection are mutually variable. Accordingly, the two mutually variable projection axes enable the distance measurement of Applicants’ invention as shown at least in figure 4.

Applicants note that SHIMOMURA et al. fails to show each and every element recited in the claims. In particular, claim 1 sets forth a laser distance measuring apparatus including at least two projectors for projecting laser beams along a projection axis, a distance measurement processor, and a distance calculation processor, wherein, inter alia, “the projection axis by one projector is variable in angle with respect to the other one”.

However, the SHIMOMURA et al. patent fails to disclose a variable projection axis. The SHIMOMURA et al. patent discloses an angle and distance measuring device for measuring a deflection angle including diffuse light sources 42 that produce a cone of illumination. However, contrary to the Examiner’s position, the SHIMOMURA et al. device

does not include light sources that produce projection angles that move relative to each other. Thus, the SHIMOMURA et al. device does not include a “variable” angle between the projection axes of the light sources. In other words, while it may be possible to measure a plurality of angles between a number of different points on each cone, these measured angles are fixed and not *variable*. Accordingly, the SHIMOMURA et al. patent fails to disclose a laser distance measuring apparatus in which “the projection axis by one projector is variable in angle with respect to the other one” as recited in claim 1.

Further, Applicant notes that the SHIMOMURA et al. patent discloses a device including point light sources. SHIMOMURA et al. specifically discloses that lasers are not the preferred light sources. See particularly column 11, lines 34-36 and lines 47-50. Accordingly, SHIMOMURA et al. fails to disclose a “laser distance measuring apparatus” as recited in claim 1.

Since the reference fails to show each and every element of the claimed device, the rejection of claim 1 under 35 U.S.C. § 102(b) over SHIMOMURA et al. is improper and withdrawal thereof is respectfully requested.

Applicants submit that dependent claims 2, 5, 7, and 8, which are at least patentable due to their dependency from claim 1 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record based on the additionally recited features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 1-16.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-16. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

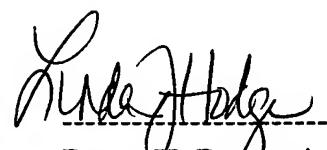
Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Applicants notes that this amendment to the claims is to be considered merely a clarifying amendment that is cosmetic in nature, and is not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision to narrow the claims in any way.

P23865.A02

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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